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C O N F I D E N T I A L SECTION 01 OF 03 COLOMBO 000250

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DEPARTMENT FOR SCA/INS AND SCA/RA

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SUBJECT: MALDIVES: CONSTITUTION NEAR COMPLETION; COUNTRY
PREPARES FOR ELECTIONS

REF: COLOMBO 0137

Classified By: Ambassador Robert O. Blake, Jr., for reasons 1.4(b,d).

11. (C) SUMMARY: On February 20, visiting Staffdel from the House Foreign Affairs Committee and Poloff called on Maldivian government officials to discuss the political reform process and upcoming multi-party elections. Staffdel consisted of Professional Staff Member Manpreet Anand, Senior PSM Hans Hogrefe, and Deputy Chief Counsel Kristin Wells. The GORM remains optimistic that the new constitution and accompanying legislation will be complete in time to allow preparations for elections in August or September 2008. However, the government and opposition continue to debate the need for transitional arrangements to manage the country during the run-up to the election. Government and opposition contacts alike defended the inclusion of a constitutional requirement that all Maldivians be Muslim. As the election draws closer, opposition leaders continue to jockey over who should become the common candidate to challenge the incumbent Gayoom for the Presidency. Staffdel also heard concerns raised by government officials on the rise of extremism, especially with increased money and influence from the Middle East and Pakistan coming to the Maldives. End Summary.

Government Acknowledges Reform Challenges...

12. (C) In a meeting with visiting Staffdel, Deputy Foreign Minister Dunya Maumoon underscored the need for electoral reform, and noted that parliament would consider a package of election-related bills once it reconvened on February 28. She noted that the UN electoral assessment team would come in April to conduct a "fact-finding" tour. She expressed disappointment with recent indications that the EU might not participate in monitoring Maldives' election. Despite the obvious challenges, Maumoon said the GORM was hopeful that elections could be held in August or September 2008. She said there was much consensus on the draft constitution, and she was confident that the President would be able to ratify it quickly. (Note: According to Maumoon, the President has 3 months to ratify the text once it is approved by the People's Majlis, or parliament.)

13. (C) Attorney General Azima Shakoor admitted some concern

about getting all of the needed implementing legislation in place. She noted that establishment of the Judicial Services Committee, and subsequent creation of an independent Supreme Court, were important for ensuring a free and fair election. She was "somewhat uncomfortable" with the draft constitution and feared that the completion schedule would not allow enough time for necessary research and debate. Nonetheless, she said she would work with the drafting committee closely so that once the People's Majlis passed the bill, the government could quickly ratify it. She noted that she did not want to be in the position of having to send it back for re-drafting. Her staff, she said, had already gone through the draft constitution and made a list of "inconsistencies" that she planned to address with the drafting committee.

14. (C) Legal Reform Minister Mohamed Nasheed acknowledged that the government is working on 87 reform bills, 60 of which are directly related to the new constitution. He said Maldives lacks some of the expertise needed to draft these bills, but is getting some help from the UN and the British Commonwealth. He asserted that the electoral reform bills could easily be passed in time for the election. He was confident about the pace of reform, he said, because the government and opposition are "friends, relatives, and colleagues with the same goal: free and fair elections on time."

Religious Freedom a Non-Starter

15. (C) Government and opposition contacts consistently argued that Maldivians did not want freedom of religion in Maldives. Deputy Foreign Minister Maumoon told Staffdel that

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the majority of the country supports remaining 100 percent Muslim. Attorney General Shakoor noted that the new Maldivian constitution would include a bill of rights, but would not include religious freedom. She said Maldivians see Islam as a "unifying force" and a part of their national identity. She added that no Maldivian wants to see other religions being practiced publicly in Maldives. Representatives of the opposition Maldivian Democratic Party and Social Liberal Party emphasized that all political parties in Maldives support Islam as the only religion. Former Foreign Minister Ahmed Shaheed admitted that a constitutional requirement that Maldivians be Muslim was problematic, but noted that, for now, the opposition can not advocate religious freedom without being labeled as "zionist" and losing significant support. He said that politicians will be forced to address the issue when Maldivians begin to lose citizenship over the issue and demand change. (Note: Reftel reports that the Foreign Minister understands the importance of this issue and has pledged to work with the Majlis to amend the requirement.)

Debate over Transitional Arrangements Continues

16. (C) In meetings in Colombo on February 28 and 29, opposition MDP members shared concerns with Ambassador and PolOffs about the ongoing debate over the section of the draft constitution on transitional arrangements. The MDP fears that President Gayoom would not allow a free and fair election. Instead, they say he and representatives from each political party should form a governing committee to lead the country from the time the new constitution is passed until after the election. They also have advocated an interim parliament made up of the constitutional assembly, the Special Majlis, minus the 16 members appointed by the President and any government ministers. The government's counter-proposal would have the Peoples' Majlis continue as the parliament, but without the appointed members or ministers.

17. (SBU) The government's Dhivehi Raiyyithunge Party (DRP),

unhappy with the first draft of the constitutional chapter on transitional arrangements, issued a statement on March 2 claiming that the chapter was produced in an undemocratic manner. The DRP further alleged that drafting committee chairman Ibrahim Ismail's "integrity and sincerity to the democratic reform process is questionable." Ibrahim countered that the DRP's accusations were baseless and that the draft was based on consultation with Information Minister Nasheed, head of the DRP Parliamentary Group Aneesa Ahmed, and Attorney General Shakoor.

Opposition Leaders Divided Over Who Should Run

18. (C) In the meantime, opposition leaders continue to jockey over who should challenge Gayoom for the Presidency. MDP Chairperson Mohamed Nasheed (Anni) resigned from his post on February 21 to campaign for his party's presidential nomination. MDP parliamentarian Mariya Didi told poloff that MDP President Munnavar still intends to run as well. She also noted that Reeko Moosa, an MP from Laamu Atoll, was seeking the nomination. A primary will be held on April 25 to determine the official MDP presidential candidate. A party election to select a new Chairperson will be held on the same day. Didi is rumored to be the favorite to replace Anni.

19. (C) COMMENT: Despite the current snag over the transitional arrangements, progress on the constitution and election preparations seems to be moving forward. Both the government and opposition appear genuinely committed to the reform process. There is some concern within the government that things are moving so quickly that mistakes could be made or problems overlooked. The absence of religious freedom in the constitution may well be one of those things. An equally valid concern, shared by the Staffdel, is that the reform process is moving too quickly for average Maldivians to

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process and understand the changes taking place. Misunderstandings about the new roles and responsibilities of the government and the people under the new constitution have the potential to get in the way of a smooth transition. Moreover, if the reform process does not yield a Presidential election in 2008 that the Maldivian public perceives as broadly reflecting its will, the resulting frustration may feed into growing Islamic extremism. Maldives is likely to accept gratefully any offers of international monitors to help oversee the election. Post would be pleased to help facilitate a U.S. observer mission if funding is available. We will continue to encourage Maldives to accept international assistance in the run-up to the election.

10. (U) Staffdel Anand cleared this cable.
BLAKE